

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

IN RE: MELINDA L. SCOTT, Petitioner

PETITION FOR WRIT OF MANDAMUS

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

COMES NOW, The Petitioner, Melinda L. Scott, and presents this written petition to the United States Court of Appeals for the Fourth Circuit. Petitioner seeks relief through this Court to order the General District Court of Buchanan County, the Circuit Court of Buchanan County and the Western District of Virginia trial Court to grant her an appeal without paying an appeal bond according to Virginia law. Petitioner has already sought relief through the Western District Court of Virginia, 4th District, without being granted the relief she seeks. She files this petition on appeal.

The Petitioner presents the following pertinent facts in support of the relief she requests:

1. In September 2017, the Petitioner filed for a Warrant in Debt against a Landlord in the Buchanan County General District Court (in Virginia)
2. At the same time (September 2017), the Petitioner was granted leave to proceed *in forma pauperis* by the General District Court of Buchanan County
3. The Petitioner was granted a hearing against the Defendant on October 23, 2017
4. For reasons beyond her control, the Petitioner was late to the hearing on October 23, 2017 and tried in her absence
5. On October 23, 2017, the Petitioner requested an appeal of the General District Court's decision
6. On October 23, 2017, the Petitioner was granted her petition to proceed *in forma pauperis* to the Circuit Court but was denied a hearing to an appeal without paying an appeal bond contrary to her rights in Virginia Code §16.1-107
7. On November 3, 2017 the Petitioner filed for an Injunction in the Western District Court of Virginia against the Buchanan County General and Circuit Court Clerks and Judges for denying her an appeal pursuant to Virginia Code §16.1-107

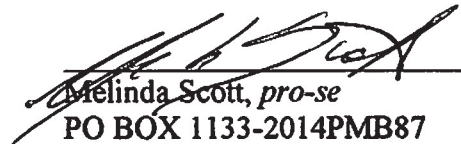
8. On January 8, 2018, the Honorable Judge Jones denied the Petitioner's request for relief on the grounds that the Petitioner did not provide the exact names of the Clerks and Judges who participated in denying the Petitioner an appeal

The Petitioner presents the following issues as reasons she should be granted her appeal:

1. The Petitioner was not given enough time to ascertain the names of the Clerks and Judges. She received the Judge's request to reveal names a day before she had to mail her response. The Petitioner participates in Virginia's ACP program pursuant to Virginia Code §2.2-515.2. She received the Judge's order on December 21, 2017 and had to get the response in the mail by December 22, 2017 in order to meet the 14 day response deadline. This was not enough time to extract names.
2. Nevertheless, the more pressing issue is that The Petitioner has been asked by the trial court to reveal individual names of the Clerks and Judges who participated in denying her an appeal. In essence, the Petitioner is being asked to publicly be a "whistleblower". However, the Petitioner has not been given any guarantee or notice of protection should she reveal individual names as a whistleblower. The Petitioner should not have to reveal the names of the Clerks and Judges who participated in the denial of her appeal because the real issue at hand is not who did it, but that it happened.
3. Virginia law does not require the Petitioner to be a whistleblower in order to be granted her rights for an appeal
4. The Petitioner is not aware of any case law setting a precedent that she has to be a whistleblower in order to retain her rights under Virginia Law
5. Putting the Petitioner in the position of having to be a "whistleblower" will complicate and diminish her chances of a fair trial in the Buchanan County Circuit Court.
6. The issue could be resolved in favor of the laws being enforced (Virginia Code §16.1-107) by simply granting the Petitioner the appeal that she was entitled to by law in the first place.
7. The Petitioner is entitled to this relief as a matter of law (§16.1-107)

Enclosure(s): Judges' Order, dated December 12, 2017
Petitioner's statement to the Judge, dated December 21, 2017
Final Order of the Honorable James P. Jones, US District Judge

I ASK FOR THIS



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CERTIFICATE OF SERVICE


I, Melinda Scott, Petitioner, do hereby state under Oath, that I have mailed a copy of this Petition for a Writ of Mandamus to the following parties on 26th day of January, 2018 pursuant to Rule 21(a)(1):

Nicholas Compton, Esq. (for Defendant/Landlord)
P.O. Box 1068
Grundy, Virginia 24614

The Honorable Judge Jones, US District Judge for the 4th Circuit
180 W. Main St.
Rm. 104
Abingdon, Virginia 24210

Judith Lyall, Clerk of the Buchanan County General District Court
PO BOX 654
Grundy, Virginia 24614

Hon. Beverly S. Tiller, Clerk of the Buchanan County Circuit Court
PO BOX 929
Grundy, Virginia 24614


Respectfully,
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